

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**February 23, 2012**

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, J. Doyle, B. Mazade, L. Spataro, B. Smith, S. Warmington, W. Parker

MEMBERS ABSENT: L. Mikesell, excused.

STAFF PRESENT: M. Franzak, H. Mitchell

OTHERS PRESENT: C. Datema, Triangle Assoc.; R. Matthews, Verplank; C. Datema, 3769 Three Mile Rd, Grand Rapids; L. Page, 3328 Wilcox; D. Mills, 1817 Mills; E. Douglas, 2471 Lakeshore; M. Murphy, 1833 Scenic; R. Harkin, 2190 Sharon; D. Hock, 2019 Harrison; R. Nye, 1495 Westwood Cr; M. Boden, 118 Ruddiman; S. Davie, 4380 Happy Point, T. Hull, 2224 Sherin; B. Matthews, 3357 Wilson; and many others.

PUBLIC HEARINGS

Hearing, Case 2012-008: Request for a Special Use Permit, per Section 1500 of Article XV, to allow for outdoor storage of aggregate at 2400 Lakeshore Dr, by Melching Demolition. M. Franzak presented the staff report. The applicant is requesting to import, store and export bulk aggregate on the western portion of the site (see enclosed site plan). Since this property is located in an I-2, General Industrial District, a Special Use Permit is required for any use that involves outdoor storage of aggregate. This site has historically used its port to ship in materials that were used in the process of making paper and to supply the coal-based power generating facility on site. However, the site has never been used to export aggregate, other than selling off a small surplus of coal. The applicant has stated that the export of aggregate materials has occurred at this site as recently as September 19, 2011 (see enclosed letter from Melching dated 2/1/12). However, staff has since informed the applicant that this is not a conforming use since it has not been approved under the Special Use Permit process, and the use must cease immediately. The proposed area that will be used for the aggregate storage is defined on the site plan as "Unit 1." The size of the entire parcel at 2400 Lakeshore Dr is about 120 acres. Unit 1 measures about 26.5 acres. The applicant plans on attending the Lakeside Neighborhood Association meeting in February to discuss the plans with the community. The City of Muskegon's "Waterfront Redevelopment Sub-Plan of 1999" recommends relocating and clustering commercial port operations at the east end of Muskegon Lake. This area is defined as a node located east of Edison Landing (see Waterfront Redevelopment Sub-Plan excerpt). The Zoning Ordinance was amended in April of 2000 to include an additional zoning district, WI-PUD, Waterfront Industrial Planned Unit Development District. The only WI-PUD District in Muskegon is located at the east end of Muskegon Lake, just east of Fisherman's Landing. This zoning district was established primarily to consolidate commercial port activities at the eastern

terminus of Muskegon Lake because of its proximity to the interstate, established industrial uses and isolation from residential zones. The intent was to localize the district to promote symbiotic relationships among industrial port activities and to discourage the expansion of such activities elsewhere along Muskegon Lake frontage. The Planning, Engineering, Public Works and Police Departments have reviewed the site plan and do not have any outstanding issues. Notices were sent to adjacent properties within a 300 foot radius of the site. Staff had not received any comments at the time of the staff report. Based on the lack of compliance with the Waterfront Redevelopment Sub-Plan of the City of Muskegon Master Land Use Plan, staff does not recommend approval of the Special Use Permit to import, store and export bulk aggregate on this site.

C. Datema gave an overview of the plans. He brought up the numerous deed restrictions regarding the property use and environmental issues, and stated that they were forced to look at industrial uses for this property. He went over the uses that they are looking at and how they would be allowed under the current zoning. The development will take 5 to 10 years to develop this property. At this time they are trying to stay within the current zoning as opposed to going through a PUD. They have met with staff and the Beachwood and Lakeside Neighborhood Associations. He read a portion of a letter that was provided by Elouise Heiftje of the Lakeside Neighborhood Association. He went over the buffer for the proposed area, stating that they were looking at a 100-foot buffer. There are limitations set by the Army Corp when it comes to dredging. If there's less than a million tons, they may not have Federal funding. The 1999 Sub-plan did not discuss an adaptive re-use for the Sappi property. The applicant is asking to have it reviewed based on what is happening now and to consider the deed restrictions. B. Mazade asked about addressing some of the environmental issues on the property, given the deed restrictions. C. Datema stated that there were limits on what could be disclosed due to the deed restrictions. S. Warmington asked how many jobs were proposed for this portion of the site. C. Datema stated that it would be less than 12 for the aggregate site. S. Warmington stated that it was estimated to 400,000 to 700,000 tons and with today's market, wasn't that high in regards to the aggregate. He found it to be under 500,000 tons. J. Doyle had asked if there had been studies in regards to the truck traffic and the routes that the trucks would take, specifically with the aggregate. C. Datema stated that he had asked staff what their recommendations for traffic would be and had not heard anything more. He added that there were some roads that had been redone and they could require the traffic to take certain routes. L. Page stated he was not asking the commission to make any exceptions to what is happening, but was asking them to basically do nothing. He referenced the City Master Plan Sub Area #9 regarding the S.D. Warren property. The deeds were carefully crafted with restrictions. He quoted from the City's Master Plan regarding this property when it was S. D. Warren. It also included a stipulation should S. D. Warren relocate that the property be developed for non-industrial use. D. Mills had concerns with what the aggregate materials were going to be. He also was concerned about the restrictions placed on the property with the deed. E. Douglas had concerns with traffic and heavy trucks using the residential roads for a dozen employees. Ships could carry invasive species going from one lake to another. She had concerns with the fact that Sappi had tax incentives and they ended up letting workers go. She was also concerned with future contamination and how it would affect the neighboring properties. R. Nye felt that since it was a demolition company, the aggregate would probably be materials from demolitions. Deed restrictions were problems for the purchaser. It was his understanding that the contract could be voided if it went against policy. S. Davie would like this looked at thoroughly and not pushed through quickly. She was concerned with the situation worsening. T. Hull had traffic concerns and there had been changes done on Lakeshore Drive to include a bike trail on the street. He also stated that there were enough aggregate sites

already. M. Murphy stated that this was private property and a copy of the deed could be obtained from the Register of Deeds Office, so the deed restrictions could be seen. People could FOIA any information from the DEQ in reference to this site. R. Harkin stated that when Sappi was there, wood chips and coal dust went on the neighboring properties and ended up on the houses and other items. He liked the way his property looked now since these pollutants were no longer in the air, ending up all over everything he owned. D. Hock asked why there wasn't a comprehensive list of what aggregate is. D. Nye stated that Occupy Muskegon had obtained and loaded to their website the deed and other information that they had found regarding this property.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

B. Larson stated that he could understand the issue regarding the odor, and he could not support this application. L. Spataro stated that the commission should let the owner know what the commission expected. There was a need to look at the property and how it affected the community for the next 100 years. He stated there was no rush if this development would take 5 to 10 years. He stated that there was a need for a master plan for the site and all the specifications on the property, as well as what would be needed for Lakeshore Drive to accommodate the development, and what utility work may be required. S. Warmington stated to the audience that Mr. Melching was a nice guy and he was trying to take a piece of property and turn it around. Mr. Melching had given tours of the site and had asked for suggestions. There are things that can go on the property without Planning Commission or City Commission approval. He concurred with the commission in regards to aggregate storage. He was concerned with this being proposed for about 25% of the property for a couple of employees. The commission members discussed and agreed with the many issues that have been brought up regarding this site, especially the traffic issues. B. Mazade stated that he agreed with L. Spataro and that there needed to be a master plan for the entire site to see how individual pieces fit into the big puzzle. He stated that a PUD would be appropriate for the property. T. Michalski was concerned with the fact that Sappi could walk away from this property and could sell it with the stipulations that were placed on it. He stated that the City needed to look at this and determine what was right for the City.

A motion that the special land use permit, per Section 1500 of Article XV of the Zoning Ordinance, to allow the import, outdoor storage and export of bulk aggregate in an I-2, General Industrial District at 2400 Lakeshore Drive, by Melching Demolition be denied, based on lack of compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance, was made by B. Larson, supported by B. Smith and unanimously approved.

## OLD BUSINESS

## OTHER

There being no further business, the meeting was adjourned at 5:04 p.m.